

REMARKS

I. Introduction

Claims 7, 10 and 12-13 are currently pending after cancellation of claim 11.

II. Rejection of Claim 11 under 35 U.S.C. § 112, first paragraph

Claim 11 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 11 has been canceled.

III. Rejections of Claims 7, 10, 12 and 13 under 35 U.S.C. § 103(a)

Claims 7, 10, 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over German Patent Document No. DE 101 55 485 ("Barkowski") in view of U.S. Patent No. 5,067,081 ("Person"). Claims 7, 10, 12 and 13 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0069360 ("Thoone") in view of Person. Applicant respectfully submits that the rejections should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112;

emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

With respect to the obviousness rejection of independent claim 7, the Examiner contends that “Person discloses . . . enabling the useful data for an area defined by the user by defining a center point and a radius of a circular region.” However, the applied Person reference actually discloses restricting the display area of a navigation display to a radius selected by the user, which is clearly different from the claimed limitation of “enabling the useful data for an area . . . defined by the user by defining a center point and a radius of circular region,” as recited in claim 7. In addition, the Examiner acknowledges that Barkowski and Thoone do not suggest the above-recited limitation of claim 7. Accordingly, claim 7 and its dependent claims 10, 12 and 13 are allowable over the applied combinations of references.

Independent of the above, amended claim 10 recites that “the enabling of the useful data includes granting of a use authorization for the area defined by the user by defining the center point and the radius of the circular region,” which feature is not suggested by the teachings of Person, Barkowski and Thoone. In this regard, Person does not discuss the feature of granting a use authorization for a specified area; instead, Person merely discloses restricting the display area of a navigation display to a radius selected by the user. Barkowski merely discusses a preferred access authorization code applied for a block or multiple blocks. (See Barkowski, Paragraph [0017]). In addition, Thoone does not disclose or suggest a use authorization given for an area defined by a center point and a radius of the circular region. Accordingly, there is no reasonable basis to conclude that the combination of Barkowski and Person, or the combination of Thoone and Person, would suggest the features of amended claim 10. Accordingly, claim 10 is allowable over the applied combinations of references for this additional reason.

CONCLUSION

It is respectfully submitted that all pending claims of the present application are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully Submitted,
KENYON & KENYON LLP

 (A. No. 36,197)

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By: JONG LEE for Gerard Messina
Gerard A. Messina (Reg. No. 35,952)
One Broadway
New York, New York 10004
Telephone: (212) 425-7200
Facsimile: (212) 425-5288